

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4284 of 2015

Date of Decision.09.07.2015

Smt. Santosh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

Present: Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. An Anganwari Worker whose age of superannuation at the time of entry into service was 60 years, according to the petitioner, came by enhancement of age from 60 years to 65 years by notification which is issued on 01.01.2014. According to the petitioner, she continued in service beyond 1.1.2014 upto 10.03.2014 and she was prevented from working on a plea that she had completed 60 years of age before the notification came. Since she had been allowed to continue beyond 01.01.2014, according to the petitioner, the notification shall be applicable to her. The two Courts below have denied the benefit of continuance for the petitioner and the revision petition is against the concurrent orders of the Courts below.

2. The issue of whether the notification issued on 01.01.2014 will operate in favour of persons who had already completed 60 years before the notification came is a moot point which will fall for

consideration at the trial. It would amount to pre-judging the issue and giving the petitioner a needless benefit of continuance in job and salary when the issue is not yet decided. If in the ultimate bargain, the suit were to be dismissed, the plaintiff would have come by undeserved merit of continued employment. On the other hand, if the plaintiff is successful and if she had lost her employment, she will always be given all the benefits which are attached to the post. Balance of convenience is, therefore, not in favour of the plaintiff to secure a benefit which can be undeserved if the suit were to be dismissed. I have already observed that the entitlement to the benefit of notification is surely a contentious one and does not reside in the realm of a strong prima facie case in favour of the plaintiff.

3. I decline to make any intervention and dismiss the revision petition. Be it noted that any observation with reference to the plaintiff's entitlement is only for the purpose of disposal of the petition and the merits of the claim will be considered at the time of trial of the suit.

(K. KANNAN)
JUDGE

July 09, 2015
Pankaj*